

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
27-24 TAVERN CORPORATION,

Plaintiff,

-against-

MEMORANDUM AND ORDER

No. 14-CV-1625-FB-RER

DUTCH KILLS CENTRAAL, DUTCH
KILLS RESTORATION CORP.,
DOMINIC STILLER, PAUL COHEN,
and JEAN CAWLEY

Defendants.

-----X

BLOCK, Senior District Judge:

On September 14, 2015, Magistrate Judge Reyes issued a Report and Recommendation (“R&R”) recommending that plaintiff’s motion for a temporary restraining order and preliminary injunction be denied. The R&R advised that “[a]ny objections . . . must be filed . . . within fourteen days of receipt hereof,” and that “[f]ailure to file timely objections waives the right to appeal the District Court’s Order.” R&R at 23.

The R&R was electronically served on all parties the same day it was issued, making objections due on September 28, 2015. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object,

and there are no objections, the Court may adopt the R&R without *de novo* review.

See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Accordingly, the Court adopts it without *de novo* review.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 29, 2015